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EXAMINER

DEAN, RAYMOND S

ART UNIT

PAPER NUMBER

2618

NOTIFICATION DATE

DELIVERY MODE

05/18/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

|                              |                                      |                                   |  |
|------------------------------|--------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/756,163 | <b>Applicant(s)</b><br>VIJ ET AL. |  |
|                              | <b>Examiner</b><br>RAYMOND DEAN      | <b>Art Unit</b><br>2618           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-10,12-16,18-22 and 24-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-10,12-16,18-22 and 24-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/10/11</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed March 8, 2011 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicants assertion that Zmolek does not teach the feature of a GCS, which is broad terminology, transmitting an alert to the target. The cited sections of Zmolek teach a server with a context sensing agent that enables said server to monitor for a request for an agent report. This report comprises presence information about a desired target. This renders a scenario wherein the server, upon request for information about a desired target, determines that there is no presence information on said target and thus queries said desired target in order to obtain presence information. Zmolek thus reads on the feature of wherein the alert transmitted from the server to the target is derived from the alert sent from the originator to the server. Khakoo et al. (US 2005/0071428), which also teaches a system wherein presence information is provided, teaches a message sent from a server to a target that includes presence information about the originator (Abstract, Section 0023 lines 17 – 21).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2618

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 4, 6 – 10, 12 – 16, 18 – 22, 24 – 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (6,032,051) in view of Eaton et al. (US 2003/0208545) in view of Zmolek (US 2003/0154293) in further view of Keating et al. (US 2004/0082352)

Regarding Claim 1, Hall teaches a method for sharing user information in a wireless communication network outside a call setup, the method comprising: sending an alert from an originator to a target, the alert including presence information about the originator and requesting presence information about the target (Figure 4, Cols. 2 lines 1 – 5, 3 lines 29 – 43, “busy” is presence information); receiving information by the originator from the target in response to the alert (Figure 4, Col. 3 lines 29 – 43), and updating presence information in the originator about the target, based on the received information (Cols. 2 lines 1 – 9, 3 lines 29 – 43, in order for the originator (A) to be able to monitor the status of a member or members of a group said originator (A) will update the status information of said member or members upon receiving the PONG message, “busy” is presence information).

Hall does not teach sending an alert from an originator to a group communication server (GCS), the alert including presence information about the originator and requesting presence information about the target; transmitting an alert from the GCS to the target; registering at the GCS that no response was received from the target;

Art Unit: 2618

receiving information by the originator from the GCS containing information about the target in response to the alert.

Eaton teaches sending an alert from an originator to a group communication server (GCS), the alert including presence information about the originator and requesting presence information about the target (Section 0010 lines 1 – 23); receiving information by the originator from the GCS containing information about the target in response to the alert (Section 0010 lines 1 - 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sever features of Eaton in the system of Hall as an alternative means for achieving the predictable result of providing presence information.

Zmolek, which also teaches a system that conducts presence determination, teaches transmitting an alert from the GCS to the target (Sections 0053 lines 1 – 7, 0055 lines 1 – 7, 0078 lines 1 – 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above feature of Zmolek as an alternative means for achieving the result of determining the status or presence information.

Keating teaches registering at a controller that no response was received from the target (Section 0025 lines 17 - 27, there will be an indication that no response was received from a target at the controller thus preventing said targets identification information from being added to the group).

Hall in view of Eaton in view of Zmolek and Keating teach a wireless talk group system in which a user, who initiates a group session, can determine the status or

Art Unit: 2618

presence information of other group members. It therefore would have obvious to one of ordinary skill in the art at the time the invention was made to use the above indication method of Keating as an alternative means for achieving the predictable result of determining the status or presence information of other group members.

Regarding Claim 7, Hall teaches a computer-readable medium comprising at least one instruction, which, when executed by a machine, causes the machine to perform operations for sharing user information in a wireless communication network outside of a call request, (Cols. 2 lines 1 – 5, 3 lines 4 – 15, 5 lines 65 – 67, 6 lines 1 – 2), the instructions comprising: a set of instructions to send an alert from an originator to a target, the alert including presence information about the originator and requesting presence information about the target (Figure 4, Col. 3 lines 29 – 43, “busy” is presence information); a set of instructions to receive information by the originator from the target in response to the alert (Figure 4, Col. 3 lines 29 – 43), and a set of instructions to update presence information in the originator about the target, based on the received information (Cols. 2 lines 1 – 9, 3 lines 29 – 43, in order for the originator (A) to be able to monitor the status of a member or members of a group said originator (A) will update the status information of said member or members upon receiving the PONG message, “busy” is presence information).

Hall does not teach a set of instructions to send an alert from an originator to a group communication server (GCS), the alert including presence information about the originator and requesting presence information about the target; a set of instructions to

Art Unit: 2618

transmit an alert from the GCS to the target; a set of instructions to register at the GCS that no response was received from the target.

Eaton teaches a set of instructions to send an alert from an originator to a group communication server (GCS), the alert including presence information about the originator and requesting presence information about the target (Section 0010 lines 1 – 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sever features of Eaton in the system of Hall as an alternative means for achieving the predictable result of providing presence information.

Zmolek, which also teaches a system that conducts presence determination, teaches a set of instructions to transmit an alert from the GCS to the target (Sections 0053 lines 1 – 7, 0055 lines 1 – 7, 0078 lines 1 – 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above feature of Zmolek as an alternative means for achieving the result of determining the status or presence information.

Keating teaches a set of instructions to register at a controller that no response was received from the target (Section 0025 lines 17 - 27, there will be an indication that no response was received from a target at the controller thus preventing said targets identification information from being added to the group).

Hall in view of Eaton in view of Zmolek and Keating teach a wireless talk group system in which a user, who initiates a group session, can determine the status or presence information of other group members. It therefore would have obvious to one

Art Unit: 2618

of ordinary skill in the art at the time the invention was made to use the above indication method of Keating as an alternative means for achieving the predictable result of determining the status or presence information of other group members.

Regarding Claim 13, Hall teaches an apparatus for sharing user information in a wireless communication network outside of a call setup, comprising: means for sending an alert from an originator to a target, the alert including presence information about the originator and requesting presence information about the target (Figure 4, 2 lines 1 – 5, Col. 3 lines 29 – 43, “busy” is presence information); means for receiving information by the originator about the target in response to the alert (Figure 4, Col. 3 lines 29 – 43), and means for updating presence information in the originator about the target, based on the received information (Cols. 2 lines 1 – 9, 3 lines 29 – 43, in order for the originator (A) to be able to monitor the status of a member or members of a group said originator (A) will update the status information of said member or members upon receiving the PONG message, “busy” is presence information).

Hall does not teach means for sending an alert from an originator to a group communication server (GCS), the alert including presence information about the originator and requesting presence information about the target; means for transmitting an alert from the GCS to the target; means for registering at the GCS that no response was received from the target; means for receiving information by the originator from the GCS containing information about the target in response to the alert.

Eaton teaches means for sending an alert from an originator to a group communication server (GCS), the alert including presence information about the



Art Unit: 2618

originator and requesting presence information about the target (Section 0010 lines 1 – 23); means for receiving information by the originator from the GCS containing information about the target in response to the alert (Section 0010 lines 1 – 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sever features of Eaton in the system of Hall as an alternative means for achieving the predictable result of providing presence information.

Zmolek, which also teaches a system that conducts presence determination, teaches transmitting an alert from the GCS to the target (Sections 0053 lines 1 – 7, 0055 lines 1 – 7, 0078 lines 1 – 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above feature of Zmolek as an alternative means for achieving the result of determining the status or presence information.

Keating teaches means for registering at a controller that no response was received from the target (Section 0025 lines 17 - 27, there will be an indication that no response was received from a target at the controller thus preventing said targets identification information from being added to the group).

Hall in view of Eaton in view of Zmolek and Keating teach a wireless talk group system in which a user, who initiates a group session, can determine the status or presence information of other group members. It therefore would have obvious to one of ordinary skill in the art at the time the invention was made to use the above indication method of Keating as an alternative means for achieving the predictable result of determining the status or presence information of other group members.

Regarding Claim 19, Hall teaches a system for sharing user information in a wireless communication network outside of a call setup, comprising: a memory unit (Figure 3, Col. 2 lines 1 – 5, 3 lines 9 – 11); a receiver; a transmitter (Figure 3, Col. 3 lines 11 – 15, in order to communicate bi-directionally the wireless communication device (31) must have a transmitter and receiver); and a processor coupled to the memory unit, the receiver, and the transmitter (Cols. 5 lines 65 – 67, 6 lines 1 – 2), the processor being capable of: sending an alert from an originator to a target, the alert including presence information about the originator and requesting presence information about the target (Figure 4, Col. 3 lines 29 – 43, “busy” is presence information); receiving information by the originator from the target in response to the alert (Figure 4, Col. 3 lines 29 – 43), and updating presence information in the originator about the target, based on the received information (Cols. 2 lines 1 – 9, 3 lines 29 – 43, in order for the originator (A) to be able to monitor the status of a member or members of a group said originator (A) will update the status information of said member or members upon receiving the PONG message, “busy” is presence information).

Hall does not teach a group communication server (GCS), sending an alert from an originator to a group communication server (GCS), the alert including presence information about the originator and requesting presence information about the target, receiving information by the originator from the GCS containing information that no response was received from the target in response to the alert.

Eaton teaches a group communication server (GCS) (Section 0010 lines 1 – 23), sending an alert from an originator to a group communication server (GCS), the alert

Art Unit: 2618

including presence information about the originator and requesting presence information about the target (Section 0010 lines 1 – 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sever features of Eaton in the system of Hall as an alternative means for achieving the predictable result of providing presence information.

Keating teaches receiving information by the originator from the controller containing information that no response was received from the target in response to the alert (Section 0025 lines 17 - 27, there will be an indication that no response was received from a target at the controller thus preventing said targets identification information from being added to the group).

Hall in view of Eaton and Keating teach a wireless talk group system in which a user, who initiates a group session, can determine the status or presence information of other group members. It therefore would have obvious to one of ordinary skill in the art at the time the invention was made to use the above indication method of Keating as an alternative means for achieving the predictable result of determining the status or presence information of other group members.

Regarding Claim 25, Hall teaches a method for sharing user information in a wireless communication network outside of a call setup, the method comprising: sending at least one alert from an originator requesting presence information about at least one target user (Figure 4, Cols. 2 lines 1 – 5, 3 lines 29 – 43, "busy" is presence information); receiving information by the originator in response to the alert (Figure 4, Col. 3 lines 29 – 43), and updating presence information in the originator about the

Art Unit: 2618

target the target user, based on information received (Cols. 2 lines 1 – 9, 3 lines 29 – 43, in order for the originator (A) to be able to monitor the status of a member or members of a group said originator (A) will update the status information of said member or members upon receiving the PONG message, “busy” is presence information).

Hall does not teach sending at least one alert from an originator to a group communication server (GCS), the alert including presence information about the originator and requesting presence information about the target; transmitting an alert from the GCS to the target; receiving information by the originator from the GCS containing information that no response was received in response to the alert.

Eaton teaches sending an alert from an originator to a group communication server (GCS), the alert including presence information about the originator and requesting presence information about the target (Section 0010 lines 1 - 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sever features of Eaton in the system of Hall as an alternative means for achieving the predictable result of providing presence information.

Zmolek, which also teaches a system that conducts presence determination, teaches transmitting an alert from the GCS to the target (Sections 0053 lines 1 – 7, 0055 lines 1 – 7, 0078 lines 1 – 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above feature of Zmolek as an alternative means for

achieving the result of determining the status or presence information of group member(s).

Keating teaches receiving information by the originator from the controller containing information that no response was received from the target in response to the alert (Section 0025 lines 17 - 27, there will be an indication that no response was received from a target at the controller thus preventing said targets identification information from being added to the group).

Hall in view of Eaton in view of Zmolek and Keating teach a wireless talk group system in which a user, who initiates a group session, can determine the status or presence information of other group members. It therefore would have obvious to one of ordinary skill in the art at the time the invention was made to use the above indication method of Keating as an alternative means for achieving the predictable result of determining the status or presence information of other group members.

Regarding Claim 30, Hall teaches a computer-readable medium comprising at least one instruction, which, when executed by a machine, causes the machine to perform operations for sharing user information in a wireless communication network outside of a call request (Cols. 2 lines 1 – 5, 3 lines 4 – 15, 5 lines 65 – 67, 6 lines 1 – 2), the instructions comprising: a set of instructions to send at least one alert from an originator requesting presence information about at least one target user (Figure 4, Col. 3 lines 29 – 43, “busy” is presence information); a set of instructions to receive information by the originator in response to the alert (Figure 4, Col. 3 lines 29 – 43), and a set of instructions to update presence information in the originator about the target

Art Unit: 2618

user, based on the information received (Cols. 2 lines 1 – 9, 3 lines 29 – 43, in order for the originator (A) to be able to monitor the status of a member or members of a group said originator (A) will update the status information of said member or members upon receiving the PONG message, “busy” is presence information).

Hall does not teach a set of instructions to receive by the originator from the GCS containing information that no response was received from the target in response to the alert.

Eaton teaches a set of instructions to receive by the originator from the GCS containing information received from the target in response to the alert (Section 0010 lines 1 - 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sever features of Eaton in the system of Hall as an alternative means for achieving the predictable result of providing presence information.

Keating teaches a set of instructions to receive by the originator from the controller containing information that no response was received from the target in response to the alert (Section 0025 lines 17 - 27, there will be an indication that no response was received from a target at the controller thus preventing said targets identification information from being added to the group).

Hall in view of Eaton and Keating teach a wireless talk group system in which a user, who initiates a group session, can determine the status or presence information of other group members. It therefore would have obvious to one of ordinary skill in the art at the time the invention was made to use the above indication method of Keating as an

Art Unit: 2618

alternative means for achieving the predictable result of determining the status or presence information of other group members.

Regarding Claim 35, Hall teaches an apparatus for sharing user information in a wireless communication network outside of a call setup, comprising: means for sending at least one alert from an originator requesting presence information about at least one target user (Figure 4, Cols. 2 lines 1 – 5, 3 lines 29 – 43); means for receiving information by the originator in response to the alert (Figure 4, Col. 3 lines 29 – 43), and means for updating presence information in the originator about the target user, based on the information received (Cols. 2 lines 1 – 9, 3 lines 29 – 43, in order for the originator (A) to be able to monitor the status of a member or members of a group said originator (A) will update the status information of said member or members upon receiving the PONG message, “busy” is presence information).

Hall does not teach means for sending at least one alert from an originator to a group communication server (GCS), the alert including information about the originator and requesting presence information about the target; means for transmitting an alert from the GCS to the at least one target user; means for receiving information by the originator from the GCS containing information that no response was received in response to the alert.

Eaton teaches means for sending an alert from an originator to a group communication server (GCS), the alert including information about the originator and requesting presence information about the target (Section 0010 lines 1 - 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sever features of Eaton in the system of Hall as an alternative means for achieving the predictable result of providing presence information.

Zmolek, which also teaches a system that conducts presence determination, teaches transmitting an alert from the GCS to the target (Sections 0053 lines 1 – 7, 0055 lines 1 – 7, 0078 lines 1 – 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above feature of Zmolek as an alternative means for achieving the result of determining the status or presence information of group member(s).

Keating teaches means for receiving information by the originator from the controller containing information that no response was received from the target in response to the alert (Section 0025 lines 17 - 27, there will be an indication that no response was received from a target at the controller thus preventing said targets identification information from being added to the group).

Hall in view of Eaton in view of Zmolek and Keating teach a wireless talk group system in which a user, who initiates a group session, can determine the status or presence information of other group members. It therefore would have obvious to one of ordinary skill in the art at the time the invention was made to use the above indication method of Keating as an alternative means for achieving the predictable result of determining the status or presence information of other group members.



Regarding Claim 40, Hall teaches a system for sharing user information in a wireless communication network outside of a call setup, comprising: a memory unit (Figure 3, Cols. 2 lines 1 – 5, 3 lines 9 – 11); a receiver; a transmitter (Figure 3, Col. 3 lines 11 – 15, in order to communicate bi-directionally the wireless communication device (31) must have a transmitter and receiver); and a processor coupled to the memory unit, the receiver, and the transmitter (Cols. 5 lines 65 – 67, 6 lines 1 – 2), the processor being capable of: sending at least one alert from an originator requesting presence information about at least one target user (Figure 4, Col. 3 lines 29 – 43, “busy” is presence information); receiving information by the originator in response to the alert (Figure 4, Col. 3 lines 29 – 43), and updating presence information in the originator about the target user, based on the information received (Cols. 2 lines 1 – 9, 3 lines 29 – 43, in order for the originator (A) to be able to monitor the status of a member or members of a group said originator (A) will update the status information of said member or members upon receiving the PONG message, “busy” is presence information).

Hall does not teach a group communication server (GCS), sending an alert from an originator to a group communication server (GCS), the alert including information about the originator and requesting presence information about at least one target user, receiving information by the originator from the GCS containing information that no response was received from the target in response to the alert.

Eaton teaches a group communication server (GCS) (Section 0010 lines 1 - 23), sending an alert from an originator to a group communication server (GCS), the alert

Art Unit: 2618

including information about the originator and requesting presence information about at least one target user (Section 0010 lines 1 - 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sever features of Eaton in the system of Hall as an alternative means for achieving the predictable result of providing presence information.

Keating teaches receiving information by the originator from the controller containing information that no response was received from the target in response to the alert (Section 0025 lines 17 - 27, there will be an indication that no response was received from a target at the controller thus preventing said targets identification information from being added to the group).

Hall in view of Eaton and Keating teach a wireless talk group system in which a user, who initiates a group session, can determine the status or presence information of other group members. It therefore would have obvious to one of ordinary skill in the art at the time the invention was made to use the above indication method of Keating as an alternative means for achieving the predictable result of determining the status or presence information of other group members.

Regarding Claims 2, 8, 14, 20, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claims 1, 7, 13, 19. Hall further teaches wherein said sending includes sending a group alert to a group of targets (Col. 3 lines 29 – 43), said receiving includes receiving presence information from the group of targets (Col. 3 lines 29 – 43), and said updating includes updating presence information about the group of targets (Cols. 2 lines 1 – 9, 3 lines 29 – 43, in

Art Unit: 2618

order for the originator (A) to be able to monitor the status of a member or members of a group said originator (A) will update the status information of said member or members upon receiving the PONG message).

Regarding Claims 3, 9, 15, 21, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claims 2, 8, 14, 20. Hall further teaches updating presence information in at least one target based on information received from the originator (Col. 3 lines 29 – 43).

Regarding Claims 4, 10, 16, 22, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claims 2, 8, 14, 20. Hall further teaches updating presence information in at least one target based on information received from at least another target in the group (Cols. 2 lines 1 – 9, any group member, which comprises a target, can monitor the status of other group members, which comprises targets, thus any group member has the capability to update the status information of the other group members).

Regarding Claims 6, 12, 18, 24, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claims 1, 7, 13, 19. Hall further teaches wherein said presence information includes location information (Figure 17, Col. 6 lines 54 – 60, L=lunch or M=meeting is location information).

Regarding Claims 26, 31, 36, 41, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claims 25, 30, 35, 40. Hall further teaches wherein said requesting includes requesting presence

Art Unit: 2618

information about a group of target users (Col. 3 lines 29 – 43), and said receiving includes receiving information as to whether the group is active or passive (Figure 17, Cols. 2 lines 1 – 9, 6 lines 54 – 60, idle is passive, busy is active).

Regarding Claims 27, 32, 37, 42, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claims 25, 30, 35, 40. Hall further teaches wherein said requesting includes requesting presence information about a group of target users (Col. 3 lines 29 – 43), and said receiving includes receiving information as to which target user in the group is registered (Figure 17, Cols. 4 lines 8 – 21, 6 lines 54 – 60, if the device is switched on said device is registered).

Regarding Claims 28, 33, 38, 43, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claims 25, 30, 35, 40. Hall further teaches wherein said requesting includes requesting presence information about a group of target users (Col. 3 lines 29 – 43), and said receiving includes receiving information as to which target user is participating in a current communication session (Figure 17, Cols. 2 lines 1 – 9, 6 lines 54 – 60, idle is passive, busy comprises participating in a current communication session).

Regarding Claims 29, 34, 39, 44, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claims 25, 30, 35, 40. Hall further teaches wherein said requesting includes requesting presence information about a group of target users (Col. 3 lines 29 – 43), and said receiving

Art Unit: 2618

includes receiving location information for the target users (Figure 17, Col. 6 lines 54 – 60, L=lunch or M=meeting is location information).

Regarding Claim 46, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claim 1. Eaton further teaches wherein the information received by the originator from the GCS is a group response message containing information about more than one target in a single message (Section 0010 lines 1 - 23, contact lists comprise more than one target).

Regarding Claim 48, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claim 1. Zmolek further teaches wherein transmitting the alert from the GCS to the target is performed in response to the request for presence information about the target (Sections 0053 lines 1 – 7, 0055 lines 1 – 7, 0078 lines 1 – 11, the presence server requests the presence information about the target).

Regarding Claim 49, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claim 1. Eaton further teaches wherein sending the alert from the originator to the GCS is performed subsequent to completing a call setup for the originator (Section 0010 lines 25 – 28, the actual call setup occurs when the user clicks “send” to communicate with another, this renders the following scenario-user logs in, user sends presence information about user to the server, user receives presence information about other users from said server, user clicks send to communicate with desired users, which is the call setup process, user logs off, user logs on again at a later time and sends presence information and

Art Unit: 2618

receives presence information, this second logon and presence determination occurs after the first call setup).

Regarding Claim 50, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claim 1. Zmolek further teaches wherein the call set up is between the originator and the GCS (Sections 0057 - 0060, in order for the requester to communicate with the presence server there will need to be a call link between the requester and the server).

4. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (6,032,051) in view of Eaton et al. (US 2003/0208545) in view of Zmolek (US 2003/0154293) in view of Keating et al. (US 2004/0082352), as applied to Claim 1 above, and further in view of Salmi (US 20030037103)

Regarding Claim 45, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claim 1. Hall in view of Eaton in view of Zmolek and in further view of Keating does not teach wherein transmitting the alert from the GCS to the target occurs before sending the alert from the originator GCS.

Salmi, which also teaches a wireless system the manages presence information, teaches transmitting the alert from the GCS to the target occurs before sending the alert from the originator GCS (Section 0036 lines 22 – 27, the presence information is provided on an ongoing basis to the subscribing users thus rendering a scenario

wherein the server sends out alerts on an ongoing basis to the subscribing users when an updating user other than the originator updates the presence information).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above feature of Salmi as an alternative means for achieving the predictable result of managing presence information.

5. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (6,032,051) in view of Eaton et al. (US 2003/0208545) in view of Zmolek (US 2003/0154293) in view of Keating et al. (US 2004/0082352), as applied to Claim 1 above, and further in view of Berger et al. (US 2004/0267887)

Regarding Claim 47, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claim 1. Hall in view of Eaton in view of Zmolek and in further view of Keating does not teach wherein the information received by the originator from the GCS includes an indication of which members in a given group are participating in a group communication session.

Berger, which also teaches a wireless system that manages presence information, teaches wherein the information received by the originator from the GCS includes an indication of which members in a given group are participating in a group communication session (Section 0050, group communication sessions comprise meetings (IN MEETING)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above feature of Berger as an alternative means for achieving the predictable result of managing presence information.

6. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (6,032,051) in view of Eaton et al. (US 2003/0208545) in view of Zmolek (US 2003/0154293) in view of Keating et al. (US 2004/0082352), as applied to Claim 1 above, and further in view of Hobbis (US 6,760,589)

Regarding Claim 51, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claim 1. Hall in view of Eaton in view of Zmolek and in further view of Keating does not teach transmitting the alert from the GCS directly to the target.

Hobbis, which also teaches a packet switched network, teaches the transmission of data directly between peers, wherein said peer-to-peer network is a packet switched network (Col. 8 lines 18 – 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above feature of Hobbis as an alternative means for achieving the predictable result of providing a packet switched network. The modification of Hall in view of Eaton in view of Zmolek and in further view of Keating with Hobbis renders the transmission of the alert directly from the GCS to the target.



7. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (6,032,051) in view of Eaton et al. (US 2003/0208545) in view of Zmolek (US 2003/0154293) in view of Keating et al. (US 2004/0082352), as applied to Claim 1 above, and further in view of Khakoo et al. (US 2005/0071428)

Regarding Claim 52, Hall in view of Eaton in view of Zmolek and in further view of Keating teaches all of the claimed limitations recited in Claim 1. Zmolek further teaches wherein the alert transmitted from the server to the target is derived from the alert sent from the originator to the server (Sections 0053 lines 1 – 7, 0055 lines 1 – 7, 0078 lines 1 – 11, See also Response To Arguments Set forth above).

Hall in view of Eaton in view of Zmolek and in further view of Keating does not teach wherein said alert sent from the server includes presence information about the originator.

Khakoo, which also teaches a system wherein presence information is provided, teaches a message sent from a server to a target that includes presence information about the originator (Abstract, Section 0023 lines 17 – 21).

It would have been obvious to modify the system of Hall in view of Eaton in view of Zmolek and in further view of Keating with the above feature of Khakoo for the purpose of enabling a recipient to determine if the message sender is currently present as taught by Khakoo.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/  
Primary Examiner, Art Unit 2618  
Raymond S. Dean  
May 10, 2011